United Nations A/63/629

General Assembly

Distr.: General
18 December 2008

Original: English

Sixty-third session
Agenda items 58 and 118

Report of the Human Rights Council

Programme budget for the biennium 2008-2009

Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its seventh, eighth and ninth sessions in 2008, proposals to improve the procedure for presenting to the General Assembly the financial requirements arising from the resolutions and decisions of the Council, and a consolidated statement on resolutions and decision adopted by the Human Rights Council following its continuing review of its subsidiary machinery and its related programme budget implications

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the revised estimates resulting from resolutions adopted by the Human Rights Council at its seventh, eighth and ninth sessions in 2008, as well as proposals to improve the procedure for presenting to the General Assembly the financial requirements arising from the resolutions and decisions of the Council (A/63/541 and Add.1). The Committee has also considered the report of the Secretary-General on the consolidated statement on the resolutions and decisions adopted by the Council following its continuing review of its subsidiary machinery and its related programme budget implications (A/63/587). During its consideration of the reports, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. **The Advisory Committee regrets that the three reports of the Secretary-General did not provide a clear and concise presentation of requirements and their background.** The Committee has therefore endeavoured to provide the

08-66120 (E) 181208

General Assembly with a succinct understanding of both the requirements and the Committee's recommendations in the present report. **The Committee trusts that subsequent annual reports will be clearer (see para. 10 below).**

3. The Advisory Committee notes that, at its sixty-second session, the General Assembly adopted a number of resolutions that have a bearing on requirements resulting from resolutions and decisions adopted by the Human Rights Council (see General Assembly resolutions 62/236, part VI; 62/238, sect. VI; and 62/245, sect. I). In part VI of its resolution 62/236, the General Assembly, inter alia, requested the Human Rights Council to exercise greater financial discipline through endeavours such as seeking the most cost-effective measures to implement its mandates.

II. Additional requirements relating to the resolutions adopted by the Human Rights Council at its seventh and eighth sessions

4. As indicated in paragraph 2 of the Secretary-General's report (A/63/541), the additional requirements resulting from resolutions and decisions adopted by the Human Rights Council at its seventh and eighth sessions in 2008 are estimated at $6,889,800. Of that total, provision in the amount of $3,687,500 has been made in the programme budget for the biennium 2008-2009 for activities considered of a perennial nature; $1,935,900 will be accommodated, to the extent possible, from within existing appropriations for the biennium 2008-2009, while the remaining amount of $1,266,400 is proposed to be considered in the context of a consolidated statement of requirements following the Council's review of its subsidiary machinery (see para. 17 below). Detailed information with respect to the requirements under each resolution and/or decision is contained in section II of the Secretary-General's report. Annexes I and II of the report provide a summary of all revised estimates reports since the first session of the Council in 2006, as well as a summary of the requirements resulting from resolutions of the Council at its seventh and eighth sessions.

5. The action to be taken by the General Assembly in connection with the additional requirements of the programme budget for the biennium 2008-2009 is indicated in paragraphs 103 and 104 of the Secretary-General's report (see para. 17 below).

III. Procedure to improve the presentation of financial implications arising from resolutions and decisions of the Human Rights Council

6. In response to the request by the General Assembly (resolution 62/245, sect. I, para. 5) on the recommendation of the Advisory Committee (A/62/7/Add.34, para. 8), the Secretary-General has reviewed various mechanisms currently in place for the administrative and financial functioning of the United Nations with a view to improving the presentation to the General Assembly of financial implications arising from resolutions and decisions of the Human Rights Council (A/63/541, paras. 87 to 91).

7. In his report, the Secretary-General focused on the following:

(a) **The procedures for treatment of the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council.** Under those procedures, an annual report with regard to revised estimates is submitted to the General Assembly at its main session (ibid., para. 92);

(b) **Expenditures of a perennial character in accordance with General Assembly resolution 41/213, annex I, paragraph 7.** Efforts have been made to include reasonably predictable requirements in the Secretary-General's proposed programme budget so as to reduce the need to present additional requirements through revised estimates or statements of programme budget implications. This practice has been applied to the mandates that have been extended by the Human Rights Council. However, with regard to the newly established mandates and bodies, some of the expenditures have been met from within existing resources and some have been reported within the context of the performance report for the respective biennium concerned. Annex III of the Secretary-General's report contains information with respect to subsidiary machinery extended, terminated and newly established by the Human Rights Council (see also A/63/541, para. 93);

(c) **The treatment of requirements for special missions.** The Human Rights Council has held seven special sessions since its inception. For the biennium 2006-2007, the Council mandated a special mission at each of the first five special sessions, with total additional requirements of $1,089,200 that were accommodated from within existing resources. For the biennium 2008-2009, it is anticipated that additional requirements will either be met from within existing resources or be reported in the performance report. The Secretary-General indicated that the current absorptive capacity of the programme budget is not likely to continue when the activities of the Council are fully implemented in a timely manner and when the posts approved for the Office of the United Nations High Commissioner for Human Rights (OHCHR) are fully encumbered (ibid., paras. 94 to 95);

(d) **The procedures for unforeseen and extraordinary expenses.** According to the Secretary-General, by their very nature, some of the activities undertaken in implementation of human rights measures are unpredictable and some could fall under unforeseen and extraordinary expenses as relating to maintenance of peace and security. In this connection, the Advisory Committee notes that the General Assembly did not approve, at its sixty-second session, a proposal by the Secretary-General (see A/62/125), which would have authorized him to enter into commitments of up to $2 million during a biennium to meet unforeseen and extraordinary expensed arising from human rights measures (ibid., paras. 96 to 97).

8. The Secretary-General has proposed that hereafter the revised estimates arising from the adoption of the resolutions and decisions by the Human Rights Council should be presented annually to the General Assembly at its main session (ibid., para. 98). Additional requirements that may arise, excluding those relating to special human rights missions should, to the extent possible, be accommodated from within the level of resources approved for any given biennium and reported in the context of the performance report. He further proposed that the additional resources arising from mandates relating to special missions that cannot be accommodated from within existing resources should be dealt with in accordance with the provisions of General Assembly resolution 41/213 (ibid., para. 99). The Secretary-General also indicated that his proposals may have to be reconsidered following the review to be

undertaken in 2011 in accordance with paragraph 16 of General Assembly resolution 60/251, by which the Assembly decided that the Council should review its work and functioning five years after its establishment and report to the General Assembly (ibid., para. 101).

9. The action to be taken by the General Assembly in connection with the procedure for presenting the financial requirements arising from resolutions and decisions of the Human Rights Council is indicated in paragraphs 105 (a) to (c) of the Secretary-General's report (A/63/541), in accordance with General Assembly resolution 62/245.

10. **The Advisory Committee sees merit in an annual presentation to the General Assembly of the revised estimates arising from adoption of the resolutions and decisions by the Human Rights Council as proposed in paragraph 105 (a). However, the Committee is of the view that the proposals concerning additional requirements as set out in paragraphs 98, 99, and 105 (b) of the Secretary-General's report require greater clarity in presentation and further elaboration and study. Accordingly, the Committee recommends that the current modalities for consideration of the financial requirements arising from resolutions and decisions of the Council be maintained, albeit on an annual basis, and that they be comprehensively reviewed in the context of the proposed programme budget for the biennium 2010-2011.**

IV. Additional requirements relating to the resolutions adopted by the Human Rights Council at its ninth session

11. As indicated in the summary of the Secretary-General's report (A/63/541/Add.1) the additional requirements resulting from resolutions and decisions adopted by the Human Rights Council at its ninth session in 2008 are estimated at $2,149,300. Of this total, an amount of $1,681,700, which is for activities considered of a perennial nature, has been provided for in the programme budget for the biennium 2008-2009. The remaining amount of $467,600 will be absorbed, to the extent possible, and addressed in the context of the second performance report for the biennium 2008-2009 (ibid., para. 3). A summary of the additional requirements are contained in annex I of the Secretary-General's report, and detailed information on requirements under each resolution and/or decision is provided in section II of the same report.

12. Information with respect to Human Rights Council decision 9/103 on strengthening of the Council is provided in paragraphs 4, 23 and 24 of the report, including proposed increase in conference and information servicing capacity as well as the proposed establishment of an Office of the President of the Council. The requirements resulting from decision 9/103 are included as annex II of the Secretary-General's report for information only.

13. The action to be taken by the General Assembly in connection with the additional requirements of $467,600 under sections 2, 23 and 28E of the programme budget for the biennium 2008-2009 is indicated in paragraph 27 of the Secretary-General's report. **The Advisory Committee recommends that the General Assembly approve the additional requirements of $467,600 under sections 2, 23 and 28E of the programme budget for the biennium 2008-2009, to be met from**

within the resources appropriated under the programme budget for the biennium 2008-2009.

V. Additional requirements arising from the continuing review by the Human Rights Council of its subsidiary machinery

14. The report of the Secretary-General (A/63/587) contains a consolidated statement of requirements arising from the continuing review by the Human Rights Council of its subsidiary machinery, in accordance with a request of the General Assembly in its resolution 60/251 (ibid., paras. 3 to 4). According to OHCHR, the institution-building phase of the Human Rights Council has now been completed (ibid., para. 8).

15. The annex to the Secretary-General's report provides a summary of the overall requirements, totalling $21,107,600, arising from resolutions and decisions of the Council at its first through ninth sessions, and its first through fifth special sessions, excluding those requirements indicated in paragraph 9 of the Secretary-General's report. The breakdown of these requirements for the biennium 2006-2007 ($8,433,400) and for 2008-2009 ($12,674,200) is contained in paragraphs 11 to 13 of the report.

16. For the biennium 2008-2009, of the total estimated requirements of $12,674,200, provisions in the amount of $5,369,200 have been made in the programme budget for the biennium 2008-2009, while the amount of $5,571,900 will be absorbed within the approved appropriations for the biennium, leaving a balance of $1,733,100. The Secretariat indicates that it is not able to identify areas from which resources could be redeployed for this balance (ibid., paras. 12 and 14). A summary of these requirements of $1,733,100 arising from resolutions adopted at the sixth, seventh and eighth sessions of the Human Rights Council is provided in the table under paragraph 17 of the Secretary-General's report.

17. The Advisory Committee notes that the additional requirements of $1,733,100 comprise the following:

(a) An amount of $466,700 relating to the fifth special session (A/63/587, annex, and resolution 62/245, sect. I, para. 3);

(b) An amount of $1,266,400 relating to the seventh and eighth sessions (A/63/587, annex, see also para. 4 above).

These amounts were not sought at the time when the Secretary-General's reports (A/62/671 and A/63/541) were submitted, on the understanding that the additional requirements would be considered within the context of this consolidated statement of requirements arising from the continuing review by the Human Rights Council of its subsidiary machinery (A/63/587, para. 13).

18. The Advisory Committee further notes that, for the biennium 2010-2011, an estimated requirement of $1,414,300 will be considered in the context of the proposed programme budget (ibid., para. 17).

19. The action to be taken by the General Assembly in connection with the additional requirements of $1,733,100 under sections 2, 23, 28E, 35 and 1 of the programme budget for the biennium 2008-2009 is indicated in paragraphs 18 and 20

of the Secretary-General's report. The amount represents requirements under: (a) section 2, General Assembly and Economic and Social Council Affairs and conference management ($70,800); (b) section 23, Human rights ($1,658,300); (c) section 28 E, Administration, Geneva ($4,000); and (d) section 35, Staff assessment ($108,400), to be offset by an equivalent amount of $108,400 under section 1, Income from staff assessment. The Secretary-General indicated that, while every effort would be made to accommodate these requirements from within the approved appropriations under the programme budget for the biennium 2008-2009, the extent to which the additional requirements would need additional appropriation for the biennium 2008-2009 would be determined in the context of the consolidated statement of programme budget implications and revised estimates for 2008-2009 to be submitted to the General Assembly towards the end of the main part of the sixty-third session, together with the proposals on the utilization of the contingency fund for these additional requirements.

20. **The Advisory Committee recommends that the General Assembly approve the additional requirements of $1,733,100 for the biennium 2008-2009 as described in paragraph 19 above, on the understanding that any appropriations as may be necessary will be requested in the context of the consolidated statement of programme budget implications and revised estimates for 2008-2009 relating to the use of the contingency fund.**